

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KIM,

Plaintiff,

Case No. 12-11694

v.

Hon. John Corbett O'Meara

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

**ORDER GRANTING MOTION
FOR AWARD OF ATTORNEY'S FEES**

Before the court is Plaintiff's motion for an award of attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Plaintiff seeks \$2,640, which represents 17.6 hours at a rate of \$150 per hour. Defendant does not dispute that an award of fees is warranted, but objects to Plaintiff's counsel's hourly rate.

The EAJA provides that "attorney fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. § 2412(d)(2)(A). "In requesting an increase in the hourly-fee rate, Plaintiffs bear the burden of

producing appropriate evidence to support the requested increase.” Bryant v. Commissioner of Social Security, 578 F.3d 443, 450 (6th Cir. 2009). Plaintiff has not produced such evidence here. See id. at 449-50 (holding plaintiff must produce “satisfactory evidence – in addition to the attorney’s own affidavits – that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation”).

Therefore, the court will award the statutory rate of \$125 per hour, for a total of \$2,200.

IT IS HEREBY ORDERED that Plaintiff’s motion for an award of attorney’s fees is GRANTED, in the amount of \$2,200.

s/John Corbett O’Meara
United States District Judge

Date: December 12, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, December 12, 2013, using the ECF system.

s/William Barkholz
Case Manager